

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>MARCO CALVERT-MAJORS, and ADAM ANDERSON-DOTSON,</p> <p>Defendants.</p>	<p>No. CR21-53 RSM</p> <p>ORDER CONTINUING TRIAL DATE</p>
<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>KENNETH N. LEE,</p> <p>Defendant.</p>	<p>No. CR21-56 RSM</p>

Order Continuing Trial Date - 1

U.S. v. Calvert-Majors et al., CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S. v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v. Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v. Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
THE CENTER FOR PROGRESSIVE
LEGAL DEFENSE, PLLC
600 FIRST AVENUE
SEATTLE, WA 98104
(617) 943-2277
ABIGAIL@THECPLD.COM

1 UNITED STATES OF AMERICA,
2
3 Plaintiff,

4 v.

5 CURTIS G. SNIPES, and
6 YUSEF H. PARRISH,

7 Defendants.
8

No. CR21-57 RSM

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

12 v.

13 EUGENE MCGEE, and
14 RANDOLPH P. BROWN,

15 Defendants.
16

No. CR21-058 RSM

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,

20 v.

21 TERRY EZELL,

22 Defendant.
23
24
25
26

No. CR21-062 RSM

27 Order Continuing Trial Date - 2

28 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S. v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v. Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v. Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
THE CENTER FOR PROGRESSIVE
LEGAL DEFENSE, PLLC
600 FIRST AVENUE
SEATTLE, WA 98104
(617) 943-2277
ABIGAIL@THECPLD.COM

1	UNITED STATES OF AMERICA,	No. CR21-063 RSM
2	Plaintiff,	
3	v.	
4	CESAR CLEMENTE,	
5	Defendant.	
6		
7	UNITED STATES OF AMERICA,	No. CR21-064 RSM
8	Plaintiff,	
9	v.	
10	CRAIG JORDAN,	
11	Defendant.	
12		
13	UNITED STATES OF AMERICA,	No. CR21-069 RSM
14	Plaintiff,	
15	v.	
16	CARLOS ROMALLIS DANIELS,	
17	Defendant.	
18		
19	UNITED STATES OF AMERICA,	No. CR21-107 RSM
20	Plaintiff,	
21	v.	
22	CESAR ARAMBULA,	
23	JORGE AGUILAR DURAN, and	
24	RAUL BARRETO BEJINES,	
25	Defendants.	
26		

Order Continuing Trial Date - 3

U.S. v. Calvert-Majors et al., CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S. v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v. Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v. Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
THE CENTER FOR PROGRESSIVE
LEGAL DEFENSE, PLLC
600 FIRST AVENUE
SEATTLE, WA 98104
(617) 943-2277
ABIGAIL@THECPLD.COM

1 UNITED STATES OF AMERICA,
 2 Plaintiff,
 3 v.
 4 CRESENCIO MORENO AGUIRRE,
 5 RAFAEL RAMIREZ,
 6 SAMUEL DUARTE AVILA,
 7 SERGIO REYES-PINA,
 8 ELYAS MOHAMED KEROW, and
 9 BRETT DAVID RADCLIFF,
 10 Defendants.

No. CR21-108 RSM

11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 EDWARD ABERCROMBIE,
 15 Defendant.

No. CR21-117 RSM

17 UNITED STATES OF AMERICA,
 18 Plaintiff,
 19 v.
 20 KENDLE RASHEN HAWKINS,
 21 Defendant.

No. CR21-5213 RSM

26 Order Continuing Trial Date - 4

27 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-
 56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S.*
 28 *v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-
 64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.*
Arambula et al., CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.*
Abercrombie, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
 THE CENTER FOR PROGRESSIVE
 LEGAL DEFENSE, PLLC
 600 FIRST AVENUE
 SEATTLE, WA 98104
 (617) 943-2277
 ABIGAIL@THECPLD.COM

1 This matter comes before the Court on the joint motion of 15 of the 22 remaining
 2 defendants charged in these related cases to continue the trial in this matter and to
 3 schedule a status conference and motions schedule. Having considered the motion, any
 4 responses and objections, and all the files and records herein, the Court finds and rules as
 5 follows:

6 As to the defendants in above-captioned, related cases, and with the exception of
 7 Messrs Abercrombie (CR21-117 RSM), Hawkins (CR21-5213 RSM) and Ezell (CR21-
 8 062 RSM):

9 The facts supporting continuing the trial and excluding the consequent delay are
 10 set forth in Defendants' Motion to Continue, incorporated by this reference, and include
 11 the following: (a) the very large number of defendants charged; (b) the already large
 12 number of charged counts, which are likely to increase in anticipated superseding
 13 indictments; (c) the number of related indictments; (d) the nature of the prosecution,
 14 which includes wiretaps over multiple phone lines; (e) the volume of discovery produced,
 15 and still to be produced; and (f) the schedules of various counsel and their backlogs of
 16 cases due to the ongoing pandemic and resultant court closures.

17 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
 18 3161(h)(7)(B)(ii) that this case is sufficiently unusual and complex, due the combination
 19 of the number of defendants, the nature of the prosecution, as well as the existence of
 20 novel questions of fact, that it is unreasonable to expect adequate preparation by the
 21 parties for pretrial proceedings or for the trial itself by the current trial date, or for the
 22 immediate future.

23 THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,
 24 Section 3161(h)(7)(B)(iv), that even if Section 3161(h)(7)(B)(ii) did not apply, the failure
 25 to grant a continuance in this case would deny counsel for the several defendants and the

26 Order Continuing Trial Date - 5

27 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-
 28 56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S.*
v. Ezell, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-
 64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.*
Arambula et al., CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.*
Abercrombie, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
 THE CENTER FOR PROGRESSIVE
 LEGAL DEFENSE, PLLC
 600 FIRST AVENUE
 SEATTLE, WA 98104
 (617) 943-2277
 ABIGAIL@THECPLD.COM

1 attorney for the government the reasonable time necessary for effective preparation—due
 2 to all parties’ need for more time to review the considerable volume of discovery and
 3 evidence produced, and still to be produced, and to consider possible defenses and
 4 motions—taking into account the exercise of due diligence.

5 THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,
 6 Section 3161(h)(7)(B)(i), that the failure to grant a continuance into spring of 2023 would
 7 be likely to make a continuation of the proceeding impossible or result in a miscarriage of
 8 justice.

9 THE COURT THEREFORE FINDS, pursuant to Title 18, United States Code,
 10 Section 3161(h)(7)(A), that the ends of justice served by a continuance into the spring of
 11 2023 outweigh the best interest of the public and the several defendants in a speedy trial.
 12 Moreover, pursuant to Title 18, United States Code, Section 3161(h)(6), the
 13 objections of those defendants who oppose a continuance of this length are overruled, as
 14 those defendants are joined for trial with other defendants for whom the time for trial has
 15 not run, and no motion to sever has been brought or granted. The defendants in these
 16 related cases are alleged to have conspired together. All of the related cases arise out of a
 17 common investigation, including common Title III interception applications and common
 18 search warrant applications.

19 THE COURT FINDS, in light of these factors, that it is unlikely that the parties
 20 can be reasonably ready to try this matter before spring 2023, at the earliest.

21 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
 22 3161(h)(6) and (7), that this is a reasonable period of delay, in that the significant
 23 majority of the defendants have indicated they require more time to prepare for trial and
 24 believe that spring 2023 is the earliest that they could be prepared to proceed to trial. The
 25 Court finds that given the complexity of the case, the number of defendants, and the

26 Order Continuing Trial Date - 6

27 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-
 56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S.*
 28 *v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-
 64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.*
Arambula et al., CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.*
Abercrombie, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
 THE CENTER FOR PROGRESSIVE
 LEGAL DEFENSE, PLLC
 600 FIRST AVENUE
 SEATTLE, WA 98104
 (617) 943-2277
 ABIGAIL@THECPLD.COM

1 volume of discovery produced, and still to be produced, that this amount of time is, in
2 fact, necessary.

3 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be
4 continued as to all defendants in all of the related cases captioned above until **March 20,**
5 **2023 at 9:00 AM.**

6 IT IS FURTHER ORDERED that a status conference, to be attended by all
7 defendants who remain in the case, together with their counsel, as well as the
8 government, is scheduled for **September 22, 2022 at 9:00 AM.** An order addressing any
9 remaining discovery issues and setting a briefing scheduled for pretrial motions will be
10 entered at that time.

11 IT IS HEREBY ORDERED that the defendants who have joined this motion shall
12 file speedy trial waivers no later than **May 6, 2022**, to the extent they have not already
13 done so.

14 IT IS FURTHER ORDERED that the time between this date and the new trial date
15 is excluded in computing the time within which a trial must be held pursuant to Title 18,
16 United States Code, Section 3161, *et seq.*

17
18 IT IS SO ORDERED.

19
20 DATED this 14th day of April, 2022.

21
22 

23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
25

26 Order Continuing Trial Date - 7

27 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-
56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S.*
28 *v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-
64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.*
Arambula et al., CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.*
Abercrombie, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

ABIGAIL W. S. CROMWELL
THE CENTER FOR PROGRESSIVE
LEGAL DEFENSE, PLLC
600 FIRST AVENUE
SEATTLE, WA 98104
(617) 943-2277
ABIGAIL@THECPLD.COM